LEMIRE JOHNSON, LLC

Attorneys at Law

2534 Route 9, P.O. Box 2485, Malta, NY 12020 518.899.5700 ~ 518.793.9005 Fax 518.899.5487

February 3, 2009

Michael Mervis, Esq. Proskauer Rose LLP 1585 Broadway New York, New York 10036-8299

Re:

Yoder v. Town of Morristown, et al.

Civil Case No.:

09-cv-0007 (TJM/GHL)

Dear Mr. Mervis:

Please be advised that this firm has been engaged to defend the interests of the Defendants in the above referenced matter. In that regard, we enclose signed Waivers of Service on behalf of each of the Defendants.

Pursuant to the language of the Waiver, a response to the Complaint will be filed on or before March 17, 2009.

Should you have any questions, or wish to discuss this matter further, please do not hesitate to contact our office. Thank you.

Very truly yours,

LEMIRE JOHNSON, LLC

Gregg T. Johnson

Gtj@lemirejohnsonlaw.com

Signed in the writer's absence to avoid delay.

GT(I:dl) Enclosures

cc:

Eric Rassbach, Esq.

Andrew Silver, Esq.

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons TO: (A) Mark Blanchard [as (B)_____of (C)_____] A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) Northern District of New York and assigned docket number (E) <u>7:09</u> CV <u>0007 TJM-GHL</u>. This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) _____ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records. If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below (or before 90 days from that date if your address is not in any judicial district of the United States). If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form. I affirm that this request is being sent to you on behalf of the plaintiff, this 16th day of January, 2009. Signature of Plaintiff's Attorney or

Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- \boldsymbol{B} $\boldsymbol{Title},$ or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

FO:Michael Mervis, Proskauer Rose LLP
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)
I acknowledge receipt of your request that I waive service of summons in the
action of Yoder, et al., v. Morristown, et al.
(Caption of Action) which is case number 7:09 CV 0007 TJM-GHL in the (Docket Number)
United States District Court for the Northern District of New York. I have also received a copy of the complaint in the action, two (2) copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.
I agree to save the cost of service of a summons and an additional copy of the complaint n this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with udicial process in the manner provided in Rule 4.
I (or the entity on whose behalf I am acting) will retain all defenses or objections to the awsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within SIXTY (60) days after, or within
1/23/09 (Date) Mark C. Blanchau (Signature)
Printed/typed name: MARKC. BLANCHARD
[as]
[of]

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons TO: (A) Howard Warren [as (B)_____of (C)____ A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) Northern District of New York and assigned docket number (E) <u>7:09</u> CV <u>0007 TJM-G</u>HL. This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) 30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records. If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below (or before 90 days from that date if your address is not in any judicial district of the United States). If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form. I affirm that this request is being sent to you on behalf of the plaintiff, this 16th day of January, 2009.

Signature of Plaintiff's Attorney or

Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- B Title, or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

TO: Michael Mervis, Pro	skauer Rose LLP
(Name of Plaintiff's Attorney or Un	represented Plaintiff)
I acknowledge receipt of your req	uest that I waive service of summons in the
action of Yoder, et al., v.]	Morristown, et al,
(0	Caption of Action)
which is case number7:09	CV <u>0007 TJM-GHL</u> in the Docket Number)
(Docket Number)
United States District Court for the North of the complaint in the action, two (2) co return the signed waiver to you without of	nern District of New York. I have also received a copy pies of this instrument, and a means by which I can cost to me.
I agree to save the cost of service in this lawsuit by not requiring that I (or judicial process in the manner provided i	of a summons and an additional copy of the complaint the entity on whose behalf I am acting) be served with n Rule 4.
I (or the entity on whose behalf I lawsuit or to the jurisdiction or venue of summons or in the service of the summo	am acting) will retain all defenses or objections to the the court except for objections based on a defect in the ns.
I understand that a judgment may am acting) if an answer or motion under after	be entered against me (or the party on whose behalf I Rule 12 is not served upon you within SIXTY (60) days , or within
NINETY (90) days after that date if the 1	equest was sent outside the United States.
$\frac{1-\lambda 1-o9}{\text{(Date)}}$	(Signature)
	Printed/typed name: WM HOWARD WARREN
	[as]
	[of]

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons

TO: (A)	Gary Turner		
[as (B)	of (C)	weeks to a second of the secon]

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) Northern District of New York and assigned docket number (E) 7:09 CV 0007 TJM-GHL.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) _____ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before <u>60</u> days from the date designated below (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this 16^{th} day

of January, 2009.

Signature of Plaintiff's Attorney or

Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- B Title, or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

TO: Michael Mervis, Prosk	auer Rose LLP
(Name of Plaintiff's Attorney or Unre	presented Plaintiff)
I acknowledge receipt of your requeaction ofYoder, et al., v. Mo	est that I waive service of summons in the
	ottion of Action)
which is case number	
	n District of New York. I have also received a copy es of this instrument, and a means by which I can to me.
	a summons and an additional copy of the complaint entity on whose behalf I am acting) be served with Rule 4.
I (or the entity on whose behalf I an lawsuit or to the jurisdiction or venue of the summons or in the service of the summons.	n acting) will retain all defenses or objections to the e court except for objections based on a defect in the
am acting) if an answer or motion under Ru after January 16, 2009, (date request was sent)	
NINETY (90) days after that date if the req	uest was sent outside the United States.
(2)	(Signature)
	Printed/typed name: ARY B. TURNER
	[as]
	[of]

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons TO: (A) David S. Stout, III [as (B)______of (C)_____ A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) Northern District of New York and assigned docket number (E) 7:09 CV 0007 TJM-GHL. This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) 30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records. If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below (or before 90 days from that date if your address is not in any judicial district of the United States). If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form. I affirm that this request is being sent to you on behalf of the plaintiff, this 16th day of January, 2009. Signature of Plaintiff's Attorney or

Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- B Title, or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

IO: Michael Me	rvis, Proskauer Rose LLP
(Name of Plaintiff's Attorn	ey or Unrepresented Plaintiff)
I acknowledge receipt of	your request that I waive service of summons in the
action of Yoder, e	
	(Caption of Action)
which is case number 7:	09 CV <u>0007 TJM-GHL</u> in the
	(Docket Number)
	he Northern District of New York. I have also received a copy to (2) copies of this instrument, and a means by which I can without cost to me.
I agree to save the cost of in this lawsuit by not requiring th judicial process in the manner pr	Eservice of a summons and an additional copy of the complaint nat I (or the entity on whose behalf I am acting) be served with ovided in Rule 4.
I (or the entity on whose lawsuit or to the jurisdiction or v summons or in the service of the	behalf I am acting) will retain all defenses or objections to the enue of the court except for objections based on a defect in the summons.
I understand that a judgm am acting) if an answer or motio after January 16, 2009 (date request was sen	
NINETY (90) days after that date	e if the request was sent outside the United, States.
162/00	1 State
1/24/09	(Signature)
(Date)	(Signature)
	Printed/typed name: David U Stout H
	[as]
	[of]

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons

TO: (A) ______ Christopher Coffin

[as (B) ______ of (C) ______]

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) Northern District of New York and assigned docket number (E) ______ CV 0007 TJM-GHL.

This is not a formal summons or notification from the court, but rather my request that

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) _____ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before <u>60</u> days from the date designated below (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this 16th day

of January, 2009.

Signature of Plaintiff's Attorney or

Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- B Title, or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

TO: Michael Mervis, Prosl	kauer Rose LLP	
(Name of Plaintiff's Attorney or Unr	epresented Plaintiff)	
action of Yoder, et al., v. M	est that I waive service of summons in the orristown, et al, ption of Action)	
which is case number 7:09 (Ca	CV <u>0007 TJM-GHL</u> in the ocket Number)	
	rn District of New York. I have also received a copy les of this instrument, and a means by which I can st to me.	
I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided in Rule 4.		
I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.		
am acting) if an answer or motion under R after January 16, 2009, (date request was sent)		
NINETY (90) days after that date if the red	quest was sent outside the United States.	
Jau. 22, 2009 (Date)	Chusty his Ceffin	
(Date)	(Signature)	
	Company College States. (Signature) Printed/typed name: CHRISTOPHER COFFIN	
	[as]	
	[of]	

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons
TO: (A) David Murray
as (B) Town Clerk of (C) The Town of Morristown
A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) Northern District of New York and assigned docket number (E)7:09CV 0007 TJM-GHL.
This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided I receive a signed copy of the waiver within (F)30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.
If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before <u>60</u> days from the date designated below (or before 90 days from that date if your address is not in any judicial district of the United States).
If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure an will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form.
I affirm that this request is being sent to you on behalf of the plaintiff, this 16th day

of January, 2009.

Signature of Plaintiff's Attorney or Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- B Title, or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

TO: Michael Mervis, Proskauer Rose LLP		
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)		
action of Yoder, et al., v. M (Ca	ption of Action)	
which is case number	ocket Number)	
United States District Court for the Northe	rn District of New York. I have also received a copy les of this instrument, and a means by which I can	
I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided in Rule 4.		
I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.		
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within SIXTY (60) days after January 16, 2009, or within (date request was sent)		
NINETY (90) days after that date if the red		
$\frac{Ol/21/2009}{\text{(Date)}}$	(Dais Munay)	
(Date)	(Signature)	
	(Signature) Printed/typed name: David Murray	
	[as]	
	[of]	

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons TO: (A) Frank Putman as (B) Town Supervisor of (C) The Town of Morristown A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) Northern District of New York and assigned docket number (E) 7:09 CV <u>0007 TJM</u>-GHL. This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) 30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records. If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below (or before 90 days from that date if your address is not in any judicial district of the United States). If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form. I affirm that this request is being sent to you on behalf of the plaintiff, this 16th day of January, 2009. Signature of Plaintiff's Attorney or

Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- B Title, or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

TO: Michael Mervis, Proskaue	r Rose LLP
(Name of Plaintiff's Attorney or Unrepre	sented Plaintiff)
I acknowledge receipt of your request t action ofYoder, et al., v. Morris (Caption)	
which is case number 7:09	
(Docke	et Number)
United States District Court for the Northern Dof the complaint in the action, two (2) copies of return the signed waiver to you without cost to	
I agree to save the cost of service of a sin this lawsuit by not requiring that I (or the enjudicial process in the manner provided in Rule)	ummons and an additional copy of the complaint tity on whose behalf I am acting) be served with e 4.
I (or the entity on whose behalf I am aclawsuit or to the jurisdiction or venue of the cosummons or in the service of the summons.	ting) will retain all defenses or objections to the urt except for objections based on a defect in the
I understand that a judgment may be er am acting) if an answer or motion under Rule after	itered against me (or the party on whose behalf I 12 is not served upon you within SIXTY (60) days ithin
NINETY (90) days after that date if the reques	t was sent outside the United States.
$\frac{\frac{1}{21}\frac{109}{000}}{\text{(Date)}}$ (Signate)	Frank futman gnature)
Pri	nted/typed name: Frank Futman
[as	Town Supervisor Town of Morristown
[of	Town of Mornistown

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons TO: (A) Frank L. Putman [as (B)_____of (C)____ A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) Northern District of New York and assigned docket number (E) <u>7:09</u> CV <u>0007 TJM-GHL</u>. This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) 30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records. If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below (or before 90 days from that date if your address is not in any judicial district of the United States). If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this 16th day of January, 2009.

Signature of Plaintiff's Attorney or Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- B Title, or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

TO: _	Michael Mervis, Pros	kauer Rose LLP
[]	Name of Plaintiff's Attorney or Uni	represented Plaintiff)
	of Yoder, et al., v. M	nest that I waive service of summons in the lorristown, et al. , aption of Action)
which	is case number 7:09	option of Action) CV 0007 TJM-GHL in the locket Number)
of the o		ern District of New York. I have also received a copy ies of this instrument, and a means by which I can st to me.
	<u> </u>	of a summons and an additional copy of the complaint ne entity on whose behalf I am acting) be served with Rule 4.
		m acting) will retain all defenses or objections to the ne court except for objections based on a defect in the s.
		be entered against me (or the party on whose behalf I tule 12 is not served upon you within SIXTY (60) days or within
NINET		quest was sent outside the United States.
1/3	(Date)	(Signature)
		Printed/typed name: Frank Putman
		[as]
		[of]

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It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

Form 1A. Notice of Lawsuit and Reques	et for Waiver of Service of Summons
TO: (A) Lanetta Kay Day	is
[as (B)of	(C)
addressed). A copy of the complaint is a	gainst you (or the entity on whose behalf you are ttached to this notice. It has been filed in the United a District of New York and assigned docket number
you sign and return the enclosed waiver of judicial summons and an additional copy I receive a signed copy of the waiver with as the date on which this Notice and Req	notification from the court, but rather my request that of service in order to save the cost of serving you with a of the complaint. The cost of service will be avoided if hin (F)30 days after the date designated below uest is sent. I enclose a stamped and addressed urn) for your use. An extra copy of the waiver is also
court and no summons will be served on served on the date the waiver is filed, exc	nd return the signed waiver, it will be filed with the you. The action will then proceed as if you had been cept that you will not be obligated to answer the lesignated below (or before 90 days from that date if t of the United States).
steps to effect formal service in a manner will then, to the extent authorized by those whose behalf you are addressed) to pay t	niver within the time indicated, I will take appropriate authorized by the Federal Rules of Civil Procedure and se Rules, ask the court to require you (or the party on the full costs of such service. In that connection, please f parties to waive the service of the summons, which is of the waiver form.
I affirm that this request is beir	ng sent to you on behalf of the plaintiff, this 16 th day
of January, 2009.	Signature of Plaintiff's Attorney or
	Unrepresented Plaintiff

- A Name of individual defendant (or name of officer or agent of corporate defendant)
- B Title, or other relationship of individual to corporate defendant
- C Name of corporate defendant, if any
- D District
- E Docket number of action
- F Addressee must be given at least thirty (30) days (Sixty (60) days if located in foreign country) in which to return waiver

Form 1B. WAIVER OF SERVICE OF SUMMONS

TO: Michael Mervis, Prosks	auer Rose LLP
TO: Michael Mervis, Prosks (Name of Plaintiff's Attorney or Unre	presented Plaintiff)
I acknowledge receipt of your reque	st that I waive service of summons in the
action of Yoder, et al., v. Mo	orristown, et al.
which is case number7:09	tion of Action)
(Do	cket Number)
(20	okot i taliloot)
United States District Court for the Norther	n District of New York. I have also received a copy
	es of this instrument, and a means by which I can
return the signed waiver to you without cos	t to me.
I agree to save the cost of service of	a summons and an additional copy of the complaint
in this lawsuit by not requiring that I (or the	entity on whose behalf I am acting) be served with
judicial process in the manner provided in F	
-	
I (or the entity on whose behalf I am	acting) will retain all defenses or objections to the
	e court except for objections based on a defect in the
summons or in the service of the summons.	
I understand that a judgment may be	e entered against me (or the party on whose behalf I
am acting) if an answer or motion under Ru	ale 12 is not served upon you within SIXTY (60) days
after January 16, 2009, o	r within
(date request was sent)	
NINETY (90) days after that date if the req	uest was sent outside the United States.
01-21-2009	Lanesta Galis
(Date)	(Signature)
(2 413)	1
	Printed/typed name: <u>LANGTTA</u> K DAVIS
	[as]
1	[of]
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Duty to Avoid Unnecessary Costs of Service of Summons

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